

**REGULAR MEETING OF THE
MAYOR AND BOROUGH COUNCIL**

April 9, 2018 MINUTES

Mayor Bruce A. Harris called the Regular Council Meeting of the Borough of Chatham to order on Monday, April 9, 2018 at 7:30 p.m. in the Council Chambers in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

SALUTE TO FLAG

Mayor Harris and the Borough Council led the assembled in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Harris asked for a moment of silence for those who have given their lives for our country.

STATEMENT OF ADEQUATE NOTICE

Robin R. Kline, Borough Clerk, read the following statement of adequate notice:

Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting has been provided by including same in the Annual Notice, copies of which were posted on the Municipal Bulletin Board on the main floor of Borough Hall, emailed to the Daily Record, the Star Ledger, the Chatham Courier, the Chatham Patch, and TapInto Chatham and filed with the Borough Clerk, all on January 11, 2018.

ROLL CALL

On a call of the roll, the following officials were present:

Mayor Bruce A. Harris
Council Member James J. Collander
Council Member Victoria Fife
Council President Leonard Resto
Council Member Peter J. Hoffman
Council Member Robert A. Weber, Sr.
Council Member Thaddeus J. Kobylarz
Stephen W. Williams, Borough Administrator
James L. Lott, Jr., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Harris proceeded with Resolution #18-166.

RESOLUTION #18-166

RESOLUTION TO ADOPT COUNCIL MEETING MINUTES

BE IT RESOLVED, by the Council of the Borough of Chatham that the minutes from the following meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

March 26, 2018

And,

BE IT FURTHER RESOLVED, by the Council of the Borough of Chatham that the minutes from the following Closed Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Borough Clerk's office:

March 26, 2018

Council Member Weber made a motion to approve Resolution #18-166. Council Member Fife seconded the motion. A vote was taken and Resolution #18-166 was approved unanimously.

RECUSALS

Mayor Harris asked if there are any recusals or abstentions to be submitted for the record with respect to any item listed on the agenda.

There were no recusals presented on the record.

DISCUSSION ITEMS

Winery Salesroom/Outlet – Mayor Harris introduced Mr. Ben Van Doussa and Mr. John Barton, both Chatham Borough residents, who are business owners of Reasons Wine, a Washington State winery. Mayor Harris invited them to provide a brief presentation to the Borough Council regarding the company's application for a New Jersey Out-of-State Winery Outlet/Salesroom (Tasting Room) license.

Mr. Van Doussa reported that Reasons Wine has applied for a New Jersey Out-of-State Winery Outlet/Salesroom (Tasting Room) license, which would permit the company to sell its wine products in New Jersey without going through licensed liquor distributors. He further mentioned that New Jersey's alcoholic beverage control regulations require that the applicant provide written notice to the municipality as part of the application process.

Mr. Van Doussa informed the Mayor and Council that the holder of a Winery Outlet/Salesroom Permit can engage in the direct shipment of wine to New Jersey residents and allows the sale of the company's wine products to licensed retail establishments. He further informed the governing body that a winery is limited to selling no more than 250,000 gallons of wine products per year and would be limited to 16 outlets/salesrooms in New Jersey.

Mr. Barton clarified that Reasons Wine is currently able to sell and ship its wine products to consumers through online orders. He further clarified that the Winery Outlet/Salesroom Permit would allow the company to also self-distribute its products to New Jersey retail establishments, as well as licensed liquor stores. He said the company is required to comply with New Jersey alcoholic beverage control (ABC) regulations regarding the display, storage and sale of its wine products. Mr. Barton reported that he and Mr. Van Doussa are negotiating a lease agreement with Drip Coffee on Main Street that would allow Reasons Wine to sell and serve bottles of wine for on-premise consumption and for "to go" purchases.

JCP&L Update – Mr. Rob Walton, JCP&L Area Manager, provided an update on JCP&L's response to the two back-to-back winter storms that occurred during the first week in March. He reported that the first storm left over 250,000 JCP&L customers without power. The second storm event hit three days later, leaving an additional 250,000 JCP&L customers without power. Many homes never regained power from the first storm before the second storm hit. He reported that, in total, 529,000 customers were without power. Restoration efforts were hampered because of 1,719 road closures and 765 broken utility poles within the JCP&L service area.

Mr. Walton further reported that post Hurricane Sandy, JCP&L invested \$3 billion in infrastructure improvements. He mentioned that JCP&L's service restoration protocols, first and foremost, focus on reducing imminent hazards associated with downed power lines, especially road closures due to same. He said JCP&L coordinates with the county in prioritizing road openings, which can cause further delays in restoring service to neighborhoods. Hospitals, schools and critical facilities are also prioritized, he said. Mr. Walton encouraged customers to use JCP&L's free smartphone app to report power outages or, in the alternative, customers can report power outages to JCP&L by calling 888-LIGHTSS.

Reporting a power outage, he said, helps JCP&L pinpoint outage locations to help restore power to neighborhoods more quickly.

Mayor Harris and the Borough Council expressed their frustration with JCP&L's storm response and questioned the utility company's inefficient scheduling and poor coordination of service crews. The governing body mentioned that the weather forecast was known well in advance to allow JCP&L to plan for service interruptions and outages. JCP&L's aging poles and technology were also questioned, as was JCP&L's inaccurate and poor reporting of estimated times of restoration (ETR).

The restoration efforts to critical facilities such as the Madison Chatham Joint Meeting facility was also called into question. It was reported that JCP&L would not allow the Madison Electric Utility to perform work in the JCP&L service area, leaving the Madison Chatham Joint Meeting facility without power for a 13-hour period.

In response, Mr. Walton advised that JCP&L is staffed with approximately 1,500 crew, one-third of which are "line" crews. He said that JCP&L's staffing is suited for day-to-day operations and "blue sky" operations, not widespread major storm events. He reported that utility crews from neighboring states could not be dispatched to assist in the restoration of power since the Nor'easter storms encompassed a wide region of the east coast. He said that crews from as far south as Texas were deployed, which took several travel days for them to arrive.

Mr. Walton further responded that JCP&L has been improving communications over the years since Hurricane Sandy and noted that FirstEnergy now provides a free Speakers Bureau service to civic groups and customers that offer audiences helpful information on topics such as electrical safety and restoring power after damaging storms. He further mentioned that the utility is exploring the use of "smart meters," which are cyber-enabled devices that provide real-time usage data and can instantly pinpoint service interruptions and outages to the utility company, leading to the quicker restoration of power.

Mayor Harris closed the discussion by mentioning that the Board of Public Utilities ("BPU") is investigating the response of the state's utilities to the two winter storms. The BPU hearings are an opportunity for the public to provide comments and feedback. He encouraged everyone to attend the BPU hearing scheduled for Thursday, April 12th in Parsippany.

Weight Limit – Speed Data – Council Member Collander, Chair of the Long-Range Traffic & Pedestrian Safety Planning Committee, reported that, in efforts to address safer truck traffic traveling on Borough roads, the committee has been reviewing the 4-ton weight limit restriction currently in place on several local roads. He mentioned that the height of the six train trestles further restrict travel routes for trucks.

Commanding Officer Captain Brian Gibbons reported that the Police Department's Traffic Safety Unit has mapped all Borough roads having a 4-ton restriction. He mentioned that the locations of the six train trestles and the height restrictions of each of the structures was also identified and mapped. He further reported that the Committee is in the process of conducting a global review of all Borough roads to identify all possible truck routes and establish which streets should have a 4-ton weight restriction. He noted that utility trucks and trucks making deliveries are exempt to the 4-ton weight restriction. After the review, the committee would make a recommendation to the governing body.

Captain Gibbons then reported that the Police Department has been regularly collecting speed data on every Borough in 2017 and continues to do so in 2018. He mentioned that the tabulation of speed data has aided the Police Department in identifying the days and times, and locations where enforcement resources should be deployed to address traffic violations.

Captain Gibbons further reported that, despite the 25 mile per hour posted speed limit and the traffic calming measures that have been installed on Kings Road, speed data shows that the 85th percentile of drivers travel between 30-33 miles per hour. The 85th percentile speed, he said, defines the speed that 85 percent of drivers travel at. He said that the 30-33 mile per hour travel speed falls within the 85th percentile and therefore is considered a reasonable basis for the speed limit. He mentioned that the Police Department's use of speed data helps identify when the greatest number of infractions occur on any given street and furthered mentioned that the data helps the Police Department identify real problems versus what may be perceived problems in neighborhoods.

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Mayor Harris opened the meeting to the public.

Fran Drew, 32 Inwood Road, inquired as to how much Madison's electric company paid to install underground utilities in Madison Borough. She further commented that the Chatham Train Station closed at 3:00 p.m. on weekdays. She asked Borough officials to ask NJ Transit to keep the train station open until 7:00 p.m. to accommodate rail customers. Lastly, Mrs. Drew suggested that the Public Comments should be moved before Discussion Items when the discussion is expected to be lengthy.

Mayor Harris responded that Madison's electric company installed wires underground years ago and that it would likely be cost prohibitive for them to install underground utilities today.

Michael Dean, 181 North Passaic Avenue, commented that the out-of-state electric utility crews were provided poor direction from JCP&L during the two power outages that occurred in the month of March. He then inquired about the JCP&L's inspection of utility poles and the quality of the replacement poles used. Lastly, Mr. Dean informed the governing body of a dip in the roadway on North Passaic Avenue at Princeton Street, which he said should be corrected before the road is repaved.

Bob Penn, North Passaic Avenue, asked about what actions Borough officials are taking to address the continued development in Florham Park. He also suggested that, in the wake of JCP&L's poor response to the March storm events, Borough officials should read the Naval Postgraduate School's *Case Study of Governor Haley Barbour's Leadership During Hurricane Katrina*, which provides a model for officials during large-scale disasters.

Seeing no one else wishing to comment, Mayor Harris closed the meeting to the public.

REPORTS

COUNCIL COMMITTEES

Budget and Finance - Council Member Hoffman reported that the budget was introduced at the March 26th meeting and the public hearing and adoption of the budget is scheduled for April 23rd.

Long Range Traffic & Pedestrian Safety Planning - Council Member Collander reported that the Committee continues to review on-street parking issues along South Passaic Avenue and John Street. He also reported that the DOT's variable message board on westbound Route 24 has been repaired and is back in service.

Public Safety & Emergency Services - Council Member Collander reported that the Borough has begun the recruitment and selection process for a Chief of Police. He also reported that, since Trenton lawmakers stripped the enforcement powers of the New Jersey Society for the Prevention of Cruelty to Animals (SPCA), municipalities are now mandated to designate a police officer as a Humane Law Enforcement Officer for the enforcement of animal cruelty laws. There will be no state funding provided for this mandate.

Personnel - Council President Resto had nothing new to report.

Public Works Planning/Community Services - Council Member Fife reported that the Committee met with Tony Torello, Leo Pietrantuono and Janice Piccolo on April 4th to discuss 2nd quarter planning of work assignments and upcoming events. She also reported that the Department of Public Works will be repainting the numbers of the train station parking stalls.

Shared Services & 3rd Party Agreements - Council Member Weber had nothing new to report.

MAYOR'S REPORT

Mayor Harris reported that the Municipal Pipeline Group ("MPG") met this past week. The MPG will be seeking to meet with Governor Murphy's office and the Department of Environmental Protection regarding Pilgrim Pipeline. Mayor Harris also reminded the Council to review all pending volunteer applications so that appointments may be considered to fill some vacancies on the boards and commissions.

ADMINISTRATOR'S REPORT

Mr. Williams reported that Chatham Borough received notice that the Borough will be awarded a \$14,900.00 Roots for Rivers grant. The Shade Tree Commission will purchase 1,050 two-gallon tree saplings with the grant money. The tree saplings will be planted throughout the wooded area of Shepard Kollock Park. He also reported that the Department of Public Works completed the Talmadge Avenue cul-de-sac project. Lastly, he mentioned that *Business Insider* magazine ranked Chatham Borough 43 out of 50 of the Best Suburbs in America.

CONSENT AGENDA

The following items are considered to be routine by the Chatham Borough Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Resolution #18-167 through Resolution #18-174 have been placed on the Consent Agenda.

RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

RESOLUTION #18-

FINANCE

RESOLUTION #18-167

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Borough Council by the various municipal departments.

BE IT RESOLVED, by the Council of the Borough of Chatham that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

RESOLUTION #18-168

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that the mortgage company and the property owner made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
98/60	Tyo, Alexander & Jessica 288 Hillside Avenue Chatham, NJ 07928	\$6,618.85	2018/1st Qtr.

Please make check payable & mail to:
CitiMortgage , Inc.,
P.O. Box 23689
Rochester, NY 14692

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

RESOLUTION #18-169

RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT

WHEREAS, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property owner made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
63/21	Peterson, George & Jennifer 73 Center Avenue Chatham, NJ 07928	\$2,474.06	2018/1st Qtr.

Please make check payable & mail to:
Quicken Loans – Servicing
635 Woodward Avenue
Detroit, MI 48226

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

RESOLUTION #18-170**RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

WHEREAS, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property owner made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
55/50	Li, Yong & Liu, Xin 49 N. Summit Avenue Chatham, NJ 07928 Please make check payable & mail to: Li, Yong & Liu, Xin 49 N. Summit Avenue Chatham, NJ 07928	\$2, 726.29	2017/1st Qtr.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

RESOLUTION #18-171**RESOLUTION AUTHORIZING A REFUND FOR PROPERTY TAX OVERPAYMENT**

WHEREAS, the Tax Collector for the Borough of Chatham has advised that both the mortgage company and the property owner made property tax payments for the herein referenced property resulting in an overpayment of property taxes; and

WHEREAS, the Tax Collector has further advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY LOCATION</u>	<u>AMOUNT</u>	<u>TAX QTR</u>
55/52	Stroud, Tovah 53 N. Summit Avenue Chatham, NJ 07928 Please make check payable & mail to: Stroud, Tovah 53 N. Summit Avenue Chatham, NJ 07928	\$3,049.36	2017/3rd Qtr.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that it hereby authorizes the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

PERSONNEL**RESOLUTION #18-172****RESOLUTION AMENDING RESOLUTION #17-342, SETTING THE ANNUAL RATES OF COMPENSATION FOR BOROUGH EMPLOYEES FOR THE YEAR 2018**

WHEREAS, Resolution #17-342, adopted by the Mayor and Council of the Borough of Chatham on December 11, 2017, established specific rates of pay for the various positions in the Borough of Chatham for the 2018 calendar year; and

WHEREAS, it is necessary to correct the rate of pay for the Farmers' Market Manager position for Janice Piccolo.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the rate of pay for the Farmers' Market Manager position for Janice Piccolo shall be increased an additional amount of \$3,214.50 and shall be retroactive to January 1, 2018; and

BE IT FURTHER RESOLVED, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

OTHER

RESOLUTION #18-173

RESOLUTION AUTHORIZING THE POLICE COMMANDING OFFICER TO CLOSE CERTAIN DESIGNATED PARKING LOTS AND ROADS AND TO CONTROL AND TO REGULATE TRAFFIC CONDITIONS CONSEQUENT THERETO FOR THE 2018 CHATHAM FISHAWACK FESTIVAL

WHEREAS, the 2018 Chatham Fishawack Festival ("Fishwack") is scheduled to be held on June 9, 2018; and

WHEREAS, the Police Commanding Officer has reviewed the traffic conditions that may be created by Fishawack and has recommended to the Borough Administrator and the Director of the Department of Community Services that certain designated parking lots and roads should be closed in order to facilitate public activity created by Fishawack, and to control and to regulate traffic conditions consequent thereto.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that they hereby authorize the Police Commanding Officer to close the following parking lots on June 9, 2018 from 8:00 a.m. to 9:00 p.m. to facilitate the public activity created by Fishawack:

1. Parking Lot No. 1 or Plaza North Lot
2. Parking Lot No. 2 or Plaza South Lot
3. Parking Lot No. 7 or Firehouse Plaza Lot (for handicap parking)
4. Parking Lot No. 8 or Center Avenue West
5. Parking Lot No. 6 or Center Avenue East

And,

BE IT FURTHER RESOLVED, that the Police Commanding Officer is hereby authorized to close Fairmount Avenue from Main Street to Red Road, and close Center Street from Center Place to Main Street and to establish appropriate detour routes and to undertake such traffic measures to control and to regulate traffic conditions created consequent to the closure of the herein referenced roads and parking lots; and

BE IT FURTHER RESOLVED, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

RESOLUTION #18-174

RESOLUTION APPROVING A SOCIAL AFFAIRS PERMIT FOR THE CHATHAM EMERGENCY SQUAD TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES AT ITS ANNUAL PICNIC TO BE HELD AT SHEPARD KOLLOCK PARK

WHEREAS, the Chatham Emergency Squad will be holding its annual picnic at Shepard Kollock Park on May 19, 2018 (rain date June 2, 2018); and

WHEREAS, the Chatham Emergency Squad desires to submit an Application for a Social Affairs Permit to the Division of Alcoholic Beverage Control to dispense and serve alcoholic beverages for consumption at its picnic pursuant to N.J.S.A. 33:1-74 and N.J.A.C. 13:2-5.1; and

WHEREAS, the Chatham Emergency Squad has submitted a completed *Reservation of Borough Facilities Application* for use of Shepard Kollock Park to the Department of Community Services.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the Chatham Emergency Squad is hereby granted permission to dispense and serve alcoholic beverages for consumption at its annual picnic at Shepard Kollock Park on May 19, 2018 (rain date June 2, 2018) contingent upon (i) approval of a Social Affairs Permit issued by the Division of Alcoholic Beverage Control, and (ii) issuance of a Reservation of Borough Facilities Permit by signed by the Borough Administrator and Recreation Coordinator; and

BE IT FURTHER RESOLVED, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

CONSENT AGENDA VOTE:

Council President Resto made a motion to approve Resolutions #18-167 through #18-174 on the Consent Agenda. The motion was seconded by Council Member Hoffman. A vote was taken and Resolutions #18-167 through #18-174 were approved unanimously.

ADD-ON RESOLUTIONS

None.

ADJOURNMENT

Having no other business to be conducted in public session, Council Member Kobylarz made a motion to adjourn. Council President Resto seconded the motion. A vote was take and the motion to adjourn was approved unanimously.

Respectfully Submitted:

Robin R. Kline

Robin R. Kline, MAS, RMC, CMR
Borough Clerk
BOROUGH OF CHATHAM